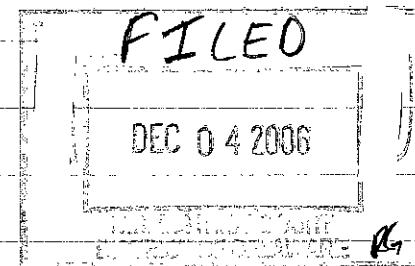


IN THE United States District Court
District of DelawareKevin C. Brathwaite
Plaintiff

V.

CA. No. 04-1542 - G.M.S.

Thomas Carroll, et al
DefendantsPlaintiff's Response to violet
Dunn's Motion to Dismiss

1. This defendant claims that the Plaintiff did not submit an affidavit from the other witness that saw defendant Dunn shaking up a can of mace prior to the assault. This Plaintiff is locked in his cell twenty four (24) hours per day and unable to secure affidavits from anyone.

2. This Plaintiff has Filed a Motion to renew his request for appointment of counsel for the purposes of Securing the affidavits and depositions from other witnesses.

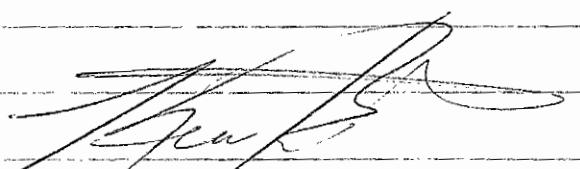
3. The Facts of this case are very clear. This Plaintiff was assaulted by defendant DUNN by being sprayed with mace while he was sleeping. Affidavits supplied by the defendants proves that an assault took place.

4. This Plaintiff can further prove these facts if someone other than representatives of the state secure the necessary affidavits and depositions.

5. This defendant is not protected from liability by way of immunity, because when she sprayed this Plaintiff with the mace while he was sleeping she was not acting under the color of state law.

6. This Plaintiff stands by the merits of this claim and request that this case be allowed to go to trial as all of the facts will clearly support this claim.

Wherefore, For these simple reasons, this Plaintiff prays that this Honorable court will allow him to secure the necessary affidavits and depositions to properly prove his case.


Kevin C. Brathwaite
1181 Paddock Rd
Smyrna DE.
19977

DATE: NOV, 29, 2006

Certificate of Service

I Kevin C. Brathwaite, states
that I have cause one copy
of the attached response to
defendants motion to be mailed
to the following party by way
of U.S. Postal Service.

Ophelia M. Waters, Esq
ATTY Gen Office
820 N. French St
Wilm De.
19801


Kevin C. Brathwaite
1181 Paddock Rd
Smyrna DE
19977

IM Kevin C. Brathwaite
SBI# 315294 UNIT _____
DELAWARE CORRECTIONAL CENTER
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

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Peter Dolley, Clerk
Office of the Clerk
U.S. District Court
844 N. King St. Lockbox - 18
Wilmington DE.
19801

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